1   ARBITRATION BEFORE THE

2   AMERICAN ARBITRATION ASSOCIATION

3   File No. 01-21-0017-1862

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5   ROBERT ZEIDMAN,

6   Claimant,

7   vs.

8   LINDELL MANAGEMENT LLC,

9   Respondent.

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12   C O N F I D E N T I A L

13

14   ARBITRATION

15   VOLUME I of III

16   Tuesday, January 17, 2023

17   9:21 a.m.

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23   Court Stenographer:

24   Myrina A. Kleinschmidt, RMR, CRR

25   Job No. 328528

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1   A.   Well, Biden1 and Trump1 -- well,

2   Biden and Trump were the names of the candidates,

3   obviously, in the 2020 election.

4   Q.   Do you think that that is enough to

5   say that this is related to the 2020 election and

6   you don't get $5 million?

7   A.   I don't believe that just having the

8   names of the candidates in a spreadsheet

9   is that -- I was not under the impression we were

10   just simply looking for names of candidates in the

11   election.

12   Q.   Is that election data to you?

13   A.   My unders- -- no. And my

14   understanding of election data would have to do

15   with the actual voting during the election.

16   Q.   So the numbers underneath those

17   columns, do you have any information that that's

18   actual voting in the election?

19   A.   I do not, except I think -- I don't

20   recall who -- one of Mr. Lindell's experts has

21   claimed that these numbers show the number of

22   votes that Biden and Trump originally got and the

23   number of votes that Biden and Trump eventually

24   got due to the fraudulent switching of votes.

25   But that makes no sense whatsoever. A

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1   the rules before you started the contest -- or the

2   challenge, I should say?

3   A.   I read the rules when I signed it.

4   Q.   All right. And in your deposition,

5   you said you were somewhat surprised by the rules,

6   yes?

7   A.   Yes.

8   Q.   Okay. The rules do not define the

9   term "relate to"; is that right?

10   A.   There was -- no. There was no

11   definition in the rules itself.

12   Q.   All right. But the rules do at two

13   separate places list the burden of proof, one of

14   which is 100 percent degree of certainty and the

15   other was unequivocal proof, correct?

16   A.   I think that's correct.

17   Q.   High burden of proof; do you agree?

18   A.   Yes.

19   Q.   All right. And is it your testimony

20   that the language of the rules is ambiguous in

21   some fashion?

22   A.   It's my understanding that the rules

23   need to be reasonable; that nothing in human

24   history, I think, can be proven to a hundred

25   percent degree -- mathematically a hundred

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1   percent.

2   So I assume that to prove this to a

3   hundred percent meant a reasonable hundred

4   percent; not that, for example, aliens had come

5   down and changed the data or that somehow

6   transferring it to me from the web server it had

7   been modified, for example.

8   Q.   Mr. Zeidman, please focus on my

9   questions. Okay? You have the exact language

10   that you've read of the rules, correct? And that

11   is Joint Exhibit Number 2.

12   A.   Yes.

13   Q.   You have that in front of you.

14   A.   I remember --

15   Q.   Is it your testimony today --

16   MS. JOSHI: He doesn't have it in front of

17   him because you haven't provided it in front of

18   him. But we can find it. Hold on. Here we go.

19   BY MR. BECK:

20   Q.   Is it your testimony that the

21   language of the rules is ambiguous in some sense?

22   Yes or no, please.

23   A.   Yes. I think it is.

24   Q.   You were aware after reading the

25   rules referenced in paragraph 7 on page 3 [sic]

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1   that ambiguities would be construed in favor of

2   Lindell Management; is that right?

3   A.   Yes. I think that -- yes. I

4   remember reading that.

5   Q.   Is it your claim in this arbitration

6   that that language in paragraph 7, Joint Exhibit

7   Number 2, somehow has to be read differently than

8   the plain language? Yes or no.

9   A.   You know, I'm not a lawyer, and it's

10   hard for me to say what the language should be.

11   As an engineer and a forensic expert, I think

12   there's a degree of reasonableness. I think

13   there's ambiguity in the way your people have

14   described it, but the way I understand it it has

15   to be reasonable.

16   Q.   So yes is the answer to my question?

17   A.   I'm sorry. Could you repeat the

18   question?

19   Q.   No. Sir, was your answer yes?

20   A.   I don't remember the question.

21   Q.   All right. We'll try to focus in

22   here a little more closely.

23   What language in the rules is ambiguous in

24   your opinion? Point to it, please.

25   A.   I can't point to specific language.

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1   I understand the rules one way I think a

2   reasonable person would. It's up to the lawyers

3   to determine whether the language is ambiguous or

4   not.

5   Q.   But you testified dozens of times

6   about what is and what is not related to the 2020

7   election, in your opinion, today, correct?

8   A.   That's correct.

9   Q.   All right. Well, in light of that,

10   the words "related to the election" are contained

11   in the rules. Is it your testimony that "related

12   to" is ambiguous?

13   A.   Not in my mind. But I think it's

14   ambiguous in the way that Mr. Lindell's team has

15   been defining it.

16   Q.   Okay. You know, in your deposition,

17   you referred -- or we discussed, I should say,

18   some examples. I'm going to run those by you, if

19   I could, sir.

20   I asked you if the identities of voters

21   contained in the challenge data would be something

22   that would be related to. Do you remember that?

23   A.   I seem to remember that.

24   Q.   On page 33, you said that was not

25   something that would be related to the election,

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 1   in your opinion, correct?

 2   A.   I'm sorry. Page 33?

 3   Q.   Of your deposition. Do you remember

 4   that?

 5   A.   I don't have my deposition in --

 6   MR. GLASSER: Why don't you just ask him a

 7   question.

 8   MR. BECK: Are you instructing him?

 9   MR. GLASSER: No. I'm just saying --

10   CHAIRMAN ALLGEYER: If you want to make an

11   objection, make an objection.

12   MR. GLASSER: I object. I think he should

13   just ask --

14   CHAIRMAN ALLGEYER: Although I prefer that

15   it be one counsel.

16   MS. JOSHI: I will object, then.

17   MR. GLASSER: Thank you.

18   CHAIRMAN ALLGEYER: Overruled.

19   Go ahead.

20   BY MR. BECK:

21   Q.   When you talked about this at your

22   deposition -- I'm referring to page 33 of the

23   deposition. You don't have to have it in front of

24   you. I'm asking what you remember, sir.

25   I asked, would the identification of

EXHIBIT 1

1   voters in the data be something that would be

2   related to the election and you said no. Do you

3   remember saying that?

4   A.   I don't know the context, but I could

5   have said that.

6   Q.   Let me ask you -- I'll just ask you

7   pointblank now. If the identification of voters,

8   actual voters, in the 2020 election was contained

9   in the data, would that be something that, in your

10 opinion, was related to the election?

11   A.   As a hypothetical, I'd say no, in and

12 of itself. I can get the names of voters off the

13 voter roll. It doesn't mean they voted or how

14 they voted.

15   Q.   Okay. I asked you, then, again on

16 page 33, what if the data had IP addresses for

17 voting places, voting locations, and your quote --

18 and your response was "I don't see how that

19 relates to the election."

20   Now, let's just assume that's what you

21 said. Is that consistent with your position about

22 whether or not IP addresses for voting places

23 would be something that was related?

24   A.   Not in my opinion. In the context of

25 the challenge, the contest as you described it,

EXHIBIT 1

1   there had to be some data relating to the specific

2   voting in the election, not a place to vote or a

3   person who may or may not have voted.

4   Q.   So if there was something about a

5   specific vote contained in the data, that is

6   something you would agree that was actually

7   related?

8   A.   If it was a specific vote cast in the

9   election, that would be something related to the

10   election, yes.

11   Q.   Fair enough. We'll move on.

12   Is it your position that the data that was

13   provided have to show how they were verified in

14   order for it to relate to the election as you

15   understood the term?

16   A.   If I understand your question, I

17   think the data would need to be verifiable, and I

18   thought part of the challenge was for us experts

19   to verify it.

20   Q.   And where did that understanding come

21   from?

22   A.   From Lindell -- Mr. Lindell's

23   speeches and advertisements leading up to the

24   symposium.

25   Q.   He said, "We're going to ask them to

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1   verify the data"?

2   A.   He said something to that effect,

3   yes.

4   Q.   Now, is it your position that if the

5   contest is, as you put it, impossible to win, that

6   is something that's not reasonable?

7   A.   I believe so, yes.

8   Q.   What if -- and, again, since we're

9   talking about hypotheticals, what if we all agree

10   the data are related to the election. Wouldn't

11   you assume, then, that the contest was impossible

12   to win?

13   A.   I'm not sure I understand the

14   question.

15   Q.   If the data were, in fact,

16   related--assume that, please--then the contest or

17   the challenge would be impossible to win, right?

18   A.   I mean, it's saying -- you're saying

19   if the data were related to the election, then it

20   would be impossible to show it's not related to

21   the election. So yes, that would -- I guess that

22   would make it impossible to win.

23   Q.   When you went to the symposium, as

24   you testified earlier, you thought that you would

25   not be able to win such a challenge, right? In

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